

**MEISSNER TIERNEY
FISHER & NICHOLS**

S.C.

ATTORNEYS AT LAW

THE MILWAUKEE CENTER
19TH FLOOR111 EAST KILBOURN AVENUE
MILWAUKEE, WISCONSIN 53202-6622
TELEPHONE (414) 273-1300
FACSIMILE (414) 273-5840DENNIS L. FISHER
ATTORNEY-AT-LAW

EPA Region 5 Records Ctr.



280250

EXTENSION 136
DLF@MTFN.COM

June 19, 2002

David Krey
City of Milwaukee- Department of
Neighborhood Services
Environmental Health Section
1673 South 9th Street
Milwaukee, WI 53204

RE: Notice of Inspection Report and Order to Correct Condition
Serial No: 003692661

Dear Mr. Krey:

Please be advised that this office represents Cleveland-Cliffs Inc. ("Cleveland-Cliffs") and that all further correspondence regarding the above-referenced notice should come to this office.

We are in receipt of the Inspection Report and Order to Correct Condition (the "Order") relating to an inspection by the City of Milwaukee (the "City") of the property located at 311 East Greenfield Avenue, Milwaukee, WI (the "Site") on May 30, 2002. The Order directs Cleveland Cliffs to correct the alleged presence of friable asbestos on the Site resulting from damaged and deteriorating materials.


This letter is a formal application for appeal of the Order. Cleveland Cliffs seeks an appeal of the Order on the following grounds:

1. The City lacks jurisdiction to issue an Asbestos Order under Section 66-12-4 of the Milwaukee Ordinances because Cleveland Cliffs is not (i) the "owner of the property"; nor (ii) "a responsible party acting on behalf of the owner." Wisconsin Wrecking is the title owner of the real and personal property at the Site and is solely responsible for any environmental issues relating to asbestos on the Site.
2. Cleveland Cliffs is neither the "owner" nor in "control" of the real or personal property on the Site. As such, Cleveland Cliffs cannot have any liability for any asbestos on the Site under Section 66-12-3 of the Milwaukee Ordinances.

3. Cleveland Cliffs has not conducted any operations on the Site, nor caused any disruption in any asbestos-containing materials which could create liability under Section 66-12-2(b) of the Milwaukee Ordinances.

In essence, if there is any friable asbestos on the Site, Cleveland Cliffs is not responsible for remediating the asbestos because it not the present owner of the Site, it is not in control of the Site, and it has not engaged in any activities on the Site which resulted in the release of asbestos into the environment. If you have questions with respect to any of these matters, please do not hesitate to contact me.

Sincerely,



Dennis L. Fisher